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MAKE A CONNECTION

WEDNESDAY, AUGUST 29, 2007

Change custody law

On Sept. 6 at 10 am in our capital an important public hearing will take place in Madison. The issue that is once again up for a vote is the move away bill (AB 462). Currently, Wisconsin as is true in all states has a "winner take all" policy in divorce. One parent is chosen as the custodial parent and the other is the loser parent or non-custodial parent. This still happens in over 90 percent of divorces. Family Courts try to hide this fact with terms such as "shared custody", which is a misnomer. The only thing the loser parent with "shared custody" is entitled to is the right to pay child support. Currently, if the winner parent or custodial parent chooses to move away from the loser parent, the burden of proof is placed on the loser parent to show Family Court why the move would be harmful to the child. As a physician in the community who has been there, done that, I can say that Family Court does not give any credibility to the father-child relationship. As a loser parent, I was forced against my will to wave goodbye to my child as Racine County Family Court allowed my daughter to move to Illinois. If I tried to visit her or take her home with me outside of the strict hours assigned to me, I would be guilty of Felony child abduction. This of course would mean mandatory prison. AB 462 serves to shift the burden of proof so that the custodial parent or winner parent must prove how the move away from the loser parent would benefit the child(ren). The domestic abuse zealots will fight this bill. Unfortunately for them, people are realizing that BOTH PARENTS are the best parent. For more information visit http://www.wisconsinfathers.org

Malcolm Hatfield, MD
6937 Brook Rd.
Franksville 53126

AB 462

Testimony Assembly Bill 462 Moving with a child September 6, 2007

This proposal, like so many other family law reforms of recent years, has a basic goal of maintaining two active, involved parents in the lives of children in non-intact families. At a time when the biological family is constantly challenged with anti-father bias and hostility, this Bill would ensure many of these children the benefit of continuing, close relationships with their fathers, rather than allowing mothers to be the sole source of a child's identity and environment, as is common in current practice.

I have a niece whose life is a good case in point. Many years ago, the Rock County court allowed her mother to move her 400 miles away, for a discretionary job change, after a divorce from one of my brothers. In the time since then, my niece has grown up, has had three sons of her own, all by different fathers. Because of her insecurity, her defective upbringing and her lifestyle in a bad neighborhood in a large Indiana city, she's never allowed any of these three fathers to be fully and fairly involved in raising the children. These boys, in their turn, are growing up with experience that tells them that men, and fathers, are expendable, second-class parents and will likely take that attitude into their adult relationships. I know well that, if the courts had prevented this parental moveaway, any children born to my niece would've likely grown up with more supportive fathers and male role-models from my own family here in Wisconsin.

The large reduction in moveaway distance and the reversal of the burden-of-proof to the moving parent in this reform will make it much more difficult for future parents to run away from failed adult relationships or to pursue self-serving motives while assuming they can take their children along as their personal possessions. Children are growing, changing people who need all the support and identity they can derive from both their parents and the respective families that provide them with a well-developed outlook on life.

Parenthood and family support are too important to a child to allow them to be sacrificed to a courtroom decision about who "wins" the custody and placement battles at stake. "The best interest of the children" in most disputed cases is better served by having both parents present and involved in their daily lives. Please show your support for the stability and continuity of parent-child relationships in non-intact families by approving this reasonable, well-considered proposal.

Thank you.

Respectfully submitted,

Joseph G. Vaughn

Joseph Vaughn
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Edgerton, WI 53534

Is a Pool More Important than a Dad?

By Jeffery M. Leving and Glenn Sacks

For eight years California courts have permitted children of divorce to be moved hundreds or thousands of miles away from the fathers they love and need. Last week the California Supreme Court issued an historic opinion which clarifies current case law and reaffirms the importance of both parents in a child's life.

Since 1996, move-away determinations have been based on the *Burgess* decision, in which a custodial mother was allowed to move her two children 40 miles away from their father. *Burgess* has been disastrous for children because it has been interpreted by California courts to permit moves of hundreds or thousands of miles. In some cases, courts have even allowed children to be moved out of the country, as far away as Australia, New Zealand, and Zaire.

In *LaMusga*, a Contra Costa County custodial mother sought to move to Ohio with her two young boys. The father fought the move, arguing that moving would be harmful to his children because it would damage their relationship with him.

The trial court decided in the father's favor. However, the First District Court of Appeal reversed, declaring that as long as the move-away is not done in

"bad faith," the custodial mother has the right to move with her children unless the father could prove that, in the event of a move, awarding him custody was "essential" to his children's well-being.

In *LaMusga*, the Supreme Court ruled that "essential" is an unreasonably high standard and that lower courts have been misinterpreting *Burgess* by placing their focus on the custodial parent's perceived rights instead of on the well-being of children. The Court wrote:

"The likely impact of the proposed move on the noncustodial parent's relationship with the children is a relevant factor in determining whether the move would cause detriment to the children and...may be sufficient to justify a change in custody."

During oral arguments the Court appeared concerned about the distance issue in move-aways, particularly after one of the mother's attorneys told the Court that while the *Burgess* case involved a move within the same county, he believed the custodial parent's right to move remained the same when applied to interstate or even international moves. In strengthening the ability of trial courts to restrain move-aways, the opinion lists distance among the most prominent factors to be considered.

One reason California move-aways need to be reined in is the strong financial incentive for California custodial parents to move. California has a high child support guideline, a high cost of living, and high wages. Thus custodial parents can often live better by moving to other states (or other countries), which have a lower cost of living, because they will still collect child support awards based on California wages and support guidelines.

Beyond the harm done to children by separating them from a loving parent, it is also a terrible injustice to noncustodial parents who often must stay behind to work to pay child support for children who have been moved out of their lives. Move-aways highlight the hypocrisy of the current public policy and discourse on fatherhood, wherein men are lectured to take responsibility for their children while at the same time courts and lawmakers frequently disregard their right to remain a meaningful part of their children's lives.

At the heart of many move-away decisions is the question "do fathers matter or not?" Research overwhelmingly demonstrates that they do: the rates of

juvenile crime, teen pregnancy, teen drug abuse, and school dropouts are tightly correlated with fatherlessness, often more so than with any other socioeconomic factor.

The custodial mother in *LaMusga* has emphasized the economic advantages of her move, and newspapers report that she is happy that the new home she was able to purchase after moving her children out of state is spacious and has a pool. But is a bigger house and a pool more important than a father?

This column first appeared in the San Francisco Chronicle *(5/4/04).*

Jeffery M. Leving is one of America's most prominent family law attorneys. He is the author of the book Fathers' Rights: Hard-hitting and Fair Advice for Every Father Involved in a Custody Dispute. *His website is dadsrights.com.*

Glenn Sacks' columns on men's and fathers' issues have appeared in dozens of America's largest newspapers. Glenn can be reached via his website at www.GlennSacks.com or via email at Glenn@GlennSacks.com.

Listen to Glenn's controversial LaMusga commentary and interview with Garrett C. Dailey, the father's attorney, on* His Side with Glenn Sacks *at Fathers' Rights Showdown in CA Supreme Court.

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5746 Weis Road
Waunakee, WI 53597
September 6, 2007

Carol Owens, Chair and Members of the Committee on Children and Family Law
State Capitol
Madison, WI 53701

RE: AB 462, MOVE AWAY BILL

Dear Chair Owens and Committee Members:

Please support AB 462. Current law allows a custodial parent to move the child away from the child's other parent, community, school, and friends for frivolous reasons. Obviously this is not in the best interest of the child.

In my case, my ex moved my children 130 miles away to "create some distance." My children were forced to leave their school, lifelong neighborhood and friends. My relationship with them became much more difficult to maintain. My daughters were forced to spend 5 hours commuting to see me.

Please correct this flaw in our family law.

Thank you,

Clair Wiederholt
608 849-8438
cwiederholt@tds.net

Memo

To: Members of the Assembly Committee on Children & Family Law

From: Josh Freker, Policy Director, WCADV, 608-255-0539

Date: September 6, 2007

Re: Testimony in opposition to AB 462

Thank you for providing an opportunity to share my organization's perspective on AB 462. I represent the Wisconsin Coalition Against Domestic Violence, which is the statewide voice for victims of domestic violence and the local programs in every county of our state that serve them. A substantial charge of our organization is to advocate for families and children.

WCADV opposes AB 462, a proposal that changes the notice requirements when a parent plans to move, allows the other parent to object to the move, requires the court to find the parent who has moved to be found in contempt of court if the move has occurred prior to resolution, and allows the parent who is not moving to request modification of legal custody and physical placement. Additionally, this bill creates a rebuttable presumption that it is in the best interest of the child to remain in the community in which they reside. Finally, among other new requirements is the provision that the court must require the parent who moved to pay transportation costs if the court approves the move.

There are many reasons that one parent may need to change residence: job requirements, the need to care for ailing family, or the need to establish a safe haven when domestic or child abuse is a factor in the family. We know from listening to our programs across the state, that abusers will continue their attempt to control and harm their victim even after a divorce or separation. It appears that AB 462's presumption that it is in the best interest of a child to stay in a given community may trump the recently created presumption established by 2003 Wis. Act 130, which makes the safety and well-being of the child the paramount concern—not the community in which he or she resides. AB 462 makes it much easier for the objecting parent to seek modification of custody and physical placement, and it would place an insurmountable burden upon a domestic violence victim to prove that a relocation is NOT in the best interests of the child or children. For these reasons, we urge you to oppose AB 462.

Thank you for your time and consideration of my remarks.

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TO: Assembly Committee on Children and Family Law

FROM: Bob Andersen

RE: AB 462, relating to moving with a child.

DATE: September 6, 2007

Legal Action of Wisconsin, Inc. (LAW) is a nonprofit organization funded by the federal Legal Services Corporation, Inc., to provide legal services for low income people in 39 counties in Wisconsin. LAW provides representation for low income people across a territory that extends from the very populous southeastern corner of the state up through Brown County in the east and La Crosse County in the west. Family Law is one of the three major priority areas of law for our delivery of legal services (the other two are public benefits and housing).

I. AB 462 Establishes an Unworkable Scheme that Will Prevent *Either Parent* with Less than 90% Placement from Moving.

The bill proposes a ***severe scheme*** that will be ***impractical and unjust for both the parent who has physical placement most of the time and for the parent who has physical placement less of the time.***

- The bill would effectively prevent every mother or father who has ***less than 90% physical placement*** from moving 20 miles away if they live within 20 miles of each other, or 150 miles away if they do not, unless the parties agree to the move. ***This includes a mother or father whose employer relocates or a mother or father who moves more than 20 miles for another job. Or a mother or father who is forced to move for his or her own safety because the other parent is an abuser.***

A. Objecting Parent Can Take Custody and Placement

- The reason a relocating parent would be prevented is that any parent with less than 90% physical placement who wants to move more than 20 miles from the other or who wants to move more than 150 miles ***will face a high risk of having their legal custody or physical placement transferred to the other parent or seriously reduced, because***

(1) the burden will be transferred to the relocating parent to prove why custody and placement should not be transferred to the objecting parent;

(2) the burden is on the relocating parent to show why the transfer of custody and placement will NOT be in the best interest of the child; and

(3) a rebuttable presumption is created in favor of the objecting parent by creating a rebuttal presumption that the child is to remain in the current community.

- ***This is like Russian Roulette.*** Do you want to relocate more than 20 miles away from the other parent, if you currently live within 20 miles, or more than 150 miles away otherwise? You face the serious risk of losing physical placement and custody rights to child. How? Because if you want to move, you have the burden of overcoming a presumption that the child should remain in the community, you have the burden of proving why the transfer of custody and placement would not be in the best interest of the child, and you have the burden of proving why your legal custody or physical placement should not be taken away from you.

B. Objecting Parent Does Not Want Custody and Placement; Just Wants to Stop Move

- ***Now if the objecting party does not want to take physical placement or legal custody for himself or herself, you are still in a fix, because all the objecting party has to do is to object to stop you from moving, and you will face the burden of proving why prohibiting your proposed relocation is HARMFUL to the child.*** Again, this is an insurmountable burden.

II. This Bill Will Have a Profound Effect on Parents Who Have Sacrificed Their Own Careers to Raise Children and Who Now Are Being Divorced and Need to Relocate to Another Community to Get a Job – It will Adversely Affect the Children Too, Whose Economic Hopes Are Held Hostage to the Community That They Are Tied To.

III. This Bill Will Also Have a Profound Effect on Abused Parents, Who Will Be Unable to Relocate to Another Community to Escape the Clutches of Their Abusers.

IV. The Bill Places the Community above the Relationship with a Parent, in Determining Which Parent a Child Should Be Placed With.

Among all the variations that the legislature has entertained over the years, at

least one thing has remained constant – the law looks at the relationship that the child has with the parents. Under this bill, preference is given to the community. The rebuttable presumption is that it is in the best interest of the child to remain ***in the community,*** above and beyond any consideration of the relationship the child has with either parent or how well either parent is suited to take care of the child.

Imagine a child who lives with the father 80% of the time, who loves the father, but who is largely estranged from the mother. The father has a good job in Kenosha, but the father's job is transferred to Cleveland, Ohio. Why would the location be given a preference over the relationship the child has with the father?

The law was changed many years ago because of court cases [Fritschler v. Fritschler, 60 Wis 2d 283, 208 NW 2d 336 (1973)] ***that said that the father's roots in the community should be the paramount consideration.*** The court in that case was cited by the State Supreme Court to say: ***what was good for the custodial father's finances and career would indirectly benefit the children. This bill will return us to days of yesteryear.***

V. The History of This Law is One of Dramatic Shifts in Direction – The Enactment of this Bill Will Take Wisconsin Back to Where it Started, with a Presumption in Favor of Keeping the Child in the Father's Community.

This is probably one of the most controversial aspects of the family code. It is one that has been the subject of dramatic changes in policy over the years.

A. *First,* Case Law Evolved over Many Years from a Perspective That *What Was Good for the Father Was Good for the Children.*

Case law culminated with the very controversial decision of the Wisconsin Supreme Court in Fritschler v. Fritschler, 60 Wis 2d 283, 208 NW 2d 336 (1973), where

> The court concluded that the trial court had not abused its discretion by refusing to grant the mother permission to move the children to a state in which she might have a more promising future. It rejected the argument that a better life for the custodial mother would indirectly benefit the children but nevertheless accepted the rationale of a prior case that ***what was good for the custodial father's finances and career would indirectly benefit the children.*** Long v. Long, 127 Wis 2d 521, 381 N.W. 2d 350 (1986) [emphasis added]

The Supreme Court in Fritschler approved the trial court's opinion, which said

> ". . . children should be able to enjoy and bask in the delights of their father's reputation as a competent and leading attorney of the City of Madison and the State of Wisconsin . . . Fortunately, in this matter, Mr. Fritschler has a good reputation and there is no reason that the Court sees, why that reputation should not continue, and the court is of the opinion that there is no reason why those two (2) children should not become a part of that reputation.

The enactment of AB 462 will return Wisconsin back to what the law was before 1984, because the bill presumes that the current community is where the child should remain – instead of looking at what is in the best interest of the child.

B. <u>The Legislature Changed the Law in 1984 to Reverse the Fritschler Decision</u>.

The law was changed to provide that where a custodial parent seeks permission to move to another state, ***the burden is on the objecting parent to prove that the move is against the best interest of the children*** in order for the ***move to be prevented***. In addition, ***the law in 1984 prevented a change in custody unless*** there was showing that a change in custody was "***necessary to the child's best interest,***" which meant that the objecting parent would have to show that the current custodial conditions are ***harmful in some way to the best interest of the child.***

The Wisconsin Supreme Court had this to say about the legislature's intent in enacting the 1984 law:

> The legislature has recognized the custodial parent's caretaking and family decision-making responsibilities and has made it easier for the custodial parent to remove the children from the state. The legislature has apparently determined that a custodial parent should not be compelled to live in this state to retain custody of the child. ***Because removal may offer emotional and financial advantages to the custodial parent, removal may also foster the well-being of the child, for the interests of the child and the custodial parent, the primary caretaker, are intricately connected.***
>
> This legislative recognition of the custodial parent's responsibilities and powers and of the connection between the child and the custodial parent does not ignore the noncustodial parent. . . . Visitation is a flexible arrangement that the parents and

> the court can modify as circumstances require without undermining the relationship of the child and the noncustodial parent. Visitation arrangements depend on circumstances, such as proximity of the child's residence to that of the noncustodial parent and the needs of the child. Long v. Long, 127 Wis 2d 521, 381 N.W. 2d 350 (1986).

The 1984 enactment required a finding that such a move would be ***against*** the best interest of the child, which is a tougher burden to prove than showing what is ***in the best interest of the child,*** which is the current requirement. The proof required to change custody was even higher. One had to show not only that the circumstances were against the best interest of the child, but that in addition they were actually ***harmful*** in some way.

C. The Legislature Changed the Law in 1987, as Part of Legislation Liberalizing Joint Custody Laws, in a Way Which Made it *Even More Difficult for a Parent Who Was Objecting* to the Move Being Made by the Parent with Primary Physical Placement -- the New Law Made it Incumbent on the Objecting Parent to Make the Case for a *Transfer of Primary Physical Placement to the Objecting Parent* in Order to Prevent the Move.

Under the present statutory mechanism, the question is not the right of the custodial parent to move, but rather whether physical placement should be transferred to the objecting non-custodial parent. Kerkvliet v. Kerkvliet, 166 Wis. 2d 930, 480 NW 2d 823 (1992).

Under this law, an objecting parent had to have physical placement transferred to him or her to prevent the move. This is a much greater burden for a person to meet, of course, because it would require the court to consider not just the question of whether the person with primary physical placement should be allowed to move – the question instead was whether to transfer primary physical placement to the person with lesser physical placement.

D. *Finally*, in Reaction to This, the Legislature Created Essentially What Is the Law Today by *1995 Act 70* -- this Legislation Rectified the Changes Made by the Prior Legislation.

VI. Current Law is a Good Compromise Between Those Very Different Alternatives

In the middle is what current law provides. In order for the parent with primary physical placement ***to move***, the court has to look at what is ***in the best interest of the child***, after looking at the following factors [s.767.327(5)]:

(a) Whether the purpose of the proposed action is reasonable.
(b) The nature and extent of the child's relationship with the other parent and the disruption to that relationship which the proposed action may cause.
(c)The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent

The burden of proof is still on the objecting parent, but at least the objecting parent does not have to surmount the higher hurdle of proving that the move would be ***against*** the best interest of the child. And certainly, this is an improvement over legislation that previously existed, ***requiring the objecting parent to transfer custody to himself or herself.***

Current law also repealed the requirement that one had to show that the current conditions were ***harmful*** in order to ***change custody***. Now, the standard is simply what is ***in the best interest*** of the child.

There is a rebuttable presumption that the current allocation of physical placement and legal custody is in the best interest of the child. Still, though, this is a lesser requirement than having to prove that the current allocation is somehow ***harmful*** to the best interest of the child or ***having to prove that primary physical placement should be transferred to him or her.***

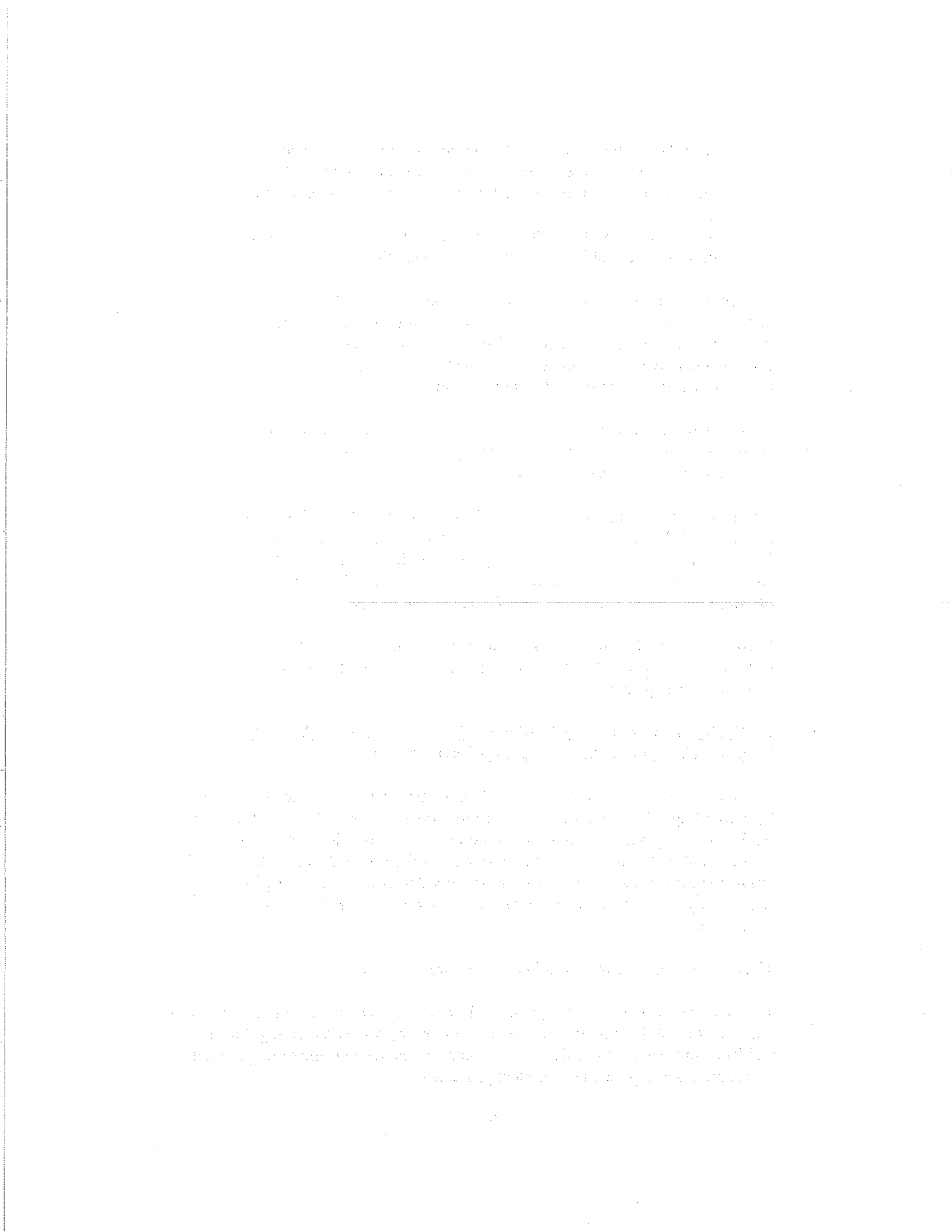
In addition, the rebuttable presumption that is in current law is there so that the parties are not constantly returning to the court house to change physical placement or legal custody all the time.

VII. LAW Has Been Involved with the Family Law Section of the State Bar in a Draft that Improves and Streamlines Current Law.

We have participated in a draft that will dramatically improve the current process, by converting it from a notice and objection procedure, which places the burden on the objecting parent, to a motion procedure which requires a relocating parent to file a motion to relocate. ***Included in the draft are significant substantive law changes that will protect the interest of objecting parents. The draft will also expedite a process that currently benefits nobody in its slowness and its clumsiness.***

The concepts that are involved in our draft are as follows:

That a parent or person with legal custody who is allocated 50% or more physical placement must file a motion to seek a court order prior to relocating the child's residence more than 100 miles from the current residence if the other parent has any court ordered periods of physical placement.



- The Court shall schedule an initial hearing on a motion under this section within 30 days of filing. The child may not be relocated pending initial hearing.

- Initial Hearing:

  1) If the court finds that any parent entitled to notice was properly served, and that parent has failed to appear, the court shall approve the proposed relocation plan submitted by the parent or custodian proposing the relocation.

  2) If a parent with court ordered placement rights does appear and objects to the relocation, the court shall do all of the following:

     a) require the parent who objects to the relocation to state in writing w/in 5 business days, if they have not done so already, the basis for the objection and that parent's plan for placement if the other parent does in fact relocate. This response may include a motion for modification of legal custody or placement. The response must be filed with the court and served on the other parent or custodian proposing the move. Service means service under sec. 801.14(2)

     b) refer the parties to mediation, unless the court finds that mediation is inappropriate under sec. 767.405(8)(b).

     c) appoint a guardian ad litem for the child, but state in the order for appointment that the GAL need not commence representation before any mediator appointed under (b) has filed a statement that mediation had failed to resolve the issue.

     d) set the matter for further hearing within 60 days before the judge assigned to hear the matter.

- Power of Court While Motion is Pending: At the initial hearing or at any time thereafter before the final hearing, the court may allow then parent or custodian proposing the relocation to move with the child if the court finds that the relocation is in the child's immediate best interest. However, the court shall inform the parents and any other custodian that the approval is subject to revision at the final hearing.

- Standards for Deciding Relocation Motions

  1) If the proposed relocation will not affect the current placement schedule

at all, where there is a specific placement schedule, the court shall approve the relocation but allocate the costs of and responsibility for transportation occasioned by the relocation.

2) If the proposed relocation will require a substantial reconfiguration of the placement schedule or substantial modification of the allocation of placement between the parents or the legal custodian and the parents, the court will consider whether to confirm the proposed relocation plan using the following factors:

a) the factors for deciding placement under 767.41(5)

b) a presumption that a parent proposing the move who has been the victim of domestic abuse as set forth in sec. 767.41(2)(d) should be allowed to implement a proposed relocation plan, with only such changes that are necessary to maintain a parent child relationship with the other parent that are found to be in the child's best interest, and which do not compromise the safety of the victim of domestic violence.

c) a presumption that the court should approve the plan of a parent proposing the relocation where the objecting parent has not significantly exercised court ordered placement through no fault of the parent proposing the relocation.

3) If the objecting parent has filed a response to a relocation proposal where the relocation proposal will either substantially reconfigure or alter that parent's placement schedule, and that response seeks a transfer of more than 50% placement to the objecting parent, the court shall decide the motion using the following factors:

a) the factors for deciding placement under 767.41(5)

b) a presumption against transferring legal custody or primary placement to a parent who has been found to have committed domestic abuse as referenced in sec. 767.41(2)(d)

c) a presumption against transferring legal custody or primary placement to a parent who has failed significantly to exercise court ordered placement through no fault of the party proposing the move.

- Burden of Proof: Neither party wil have the burden of proof. The court shall decide contested relocation motions and motions for modification of custody or placement filed in response to relocation motions in the best

interest of the child. Where there is an applicable presumption under this statute, the person seeking to overcome the presumption shall have the burden of proof by preponderance of the evidence.

Recommendations to revise AB-462

Michael Gough – www.InternetVisitation.org

2007 ASSEMBLY BILL 462

SECTION 12. 767.481 (4m) of the statutes is created to read:
767.481 **(4m)** PAYMENT OF ADDITIONAL TRANSPORTATION COSTS. If the court does not prohibit the move or removal, the court shall require the parent proposing the move or removal to pay for ~~some or~~ all ~~of any additional~~ transportation **or any electronic communication** costs that the other parent, as a result of the move or removal, will incur in exercising periods of physical placement with the child, **including once a month weekend trips to the location of the child by the non-moving parent, any relocation costs by the non-moving parent to the area,** based on each party's ability to pay.

Submitted by
Michael Gough

30-3-37. Relocation.

(1) When either parent decides to move from the state of Utah or 150 miles or more from the residence specified in the court's decree, that parent shall provide if possible 60 days advance written notice of the intended relocation to the other parent. The written notice of relocation shall contain statements affirming the following:

(a) the parent-time provisions in Subsection (5) or a schedule approved by both parties will be followed; and

(b) neither parent will interfere with the other's parental rights pursuant to court ordered parent-time arrangements, or the schedule approved by both parties.

(2) The court may, upon motion of any party or upon the court's own motion, schedule a hearing with notice to review the notice of relocation and parent-time schedule as provided in Section **30-3-35** and make appropriate orders regarding the parent-time and costs for parent-time transportation.

(3) In determining the parent-time schedule and allocating the transportation costs, the court shall consider:

(a) the reason for the parent's relocation;

(b) the additional costs or difficulty to both parents in exercising parent-time;

(c) the economic resources of both parents; and

(d) other factors the court considers necessary and relevant.

(4) Upon the motion of any party, the court may order the parent intending to move to pay the costs of transportation for:

(a) at least one visit per year with the other parent; and

(b) any number of additional visits as determined equitable by the court.

(5) Unless otherwise ordered by the court, upon the relocation of one of the parties the following schedule shall be the minimum requirements for parent-time with a school-age child:

(a) in years ending in an odd number, the child shall spend the following holidays with the noncustodial parent:

(i) Thanksgiving holiday beginning Wednesday until Sunday; and

(ii) the fall school break, if applicable, beginning the last day of school before the holiday until the day before school resumes;

(b) in years ending in an even number, the child shall spend the following holidays with the noncustodial parent:

(i) the entire winter school break period; and

(ii) Spring break beginning the last day of school before the holiday until the day before school resumes; and

(c) extended parent-time equal to 1/2 of the summer or off-track time for consecutive weeks. The children should be returned to the custodial home no later than seven days before school begins; however, this week shall be counted when determining the amount of parent-time to be divided between the parents for the summer or off-track period.

(6) Upon the motion of any party, the court may order uninterrupted parent-time with the noncustodial parent for a minimum of 30 days during extended parent-time, unless the court finds it is not in the best interests of the child. If the court orders uninterrupted parent-time during a period not covered by this section, it shall specify in its order which parent is responsible for the child's travel expenses.

(7) Unless otherwise ordered by the court the relocating party shall be responsible for all the child's travel expenses relating to Subsections (5)(a) and (b) and 1/2 of the child's travel expenses relating to Subsection (5)(c), provided the noncustodial party is current on all support obligations. If the noncustodial party has been found in contempt for not being current on all support obligations, he shall

be responsible for all of the child's travel expenses under Subsection (5), unless the court rules otherwise. Reimbursement by either responsible party to the other for the child's travel expenses shall be made within 30 days of receipt of documents detailing those expenses.

(8) The court may apply this provision to any preexisting decree of divorce.

(9) Any action under this section may be set for an expedited hearing.

(10) A parent who fails to comply with the notice of relocation in Subsection (1) shall be in contempt of the court's order.

Amended by Chapter 195, 2006 General Session
Download Code Section Zipped WP 6/7/8 30_03049.ZIP 3,898 Bytes

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Last revised: Thursday, July 19, 2007

submitted by
Michael Gough

RELOCATION: THE DEBATE

AMERICAN BAR ASSOCIATION SECTION OF FAMILY LAW
2006 SPRING CLE CONFERENCE
WASHINGTON, D.C.

THURSDAY, MAY 4, 2006
(Materials updated June 28, 2006)

OVERVIEW OF LAW OF RELOCATION IN THE 50 STATES*

By Jeff Atkinson

I. TREND IN THE LAW

The trend in the law is toward making decisions about relocation of children based on the facts of each case rather than by application of strong, automatic presumptions for or against relocation. Examples of cases in the last ten years reflecting this trend:

CO: *In re Marriage of Ciesluk*, 113 P.3d 135 (Colo. 2005);
GA: *Bodne v. Bodne*, 277 Ga. 445, 588 S.E.2d 728 (2003);
IL: *In re Marriage of Smith*, 172 Ill. 2d 312, 665 N.E.2d 1209, 1213 (1996);
NY: *In re Tropea*, 87 N.Y.2d 727, 740-41, 665 N.E.2d 145, 151-52 (1996);
SC: *Latimer v. Farmer*, 360 S.C. 375, 602 S.E.2d 32 (2004).
See also: CA: *In re Marriage of Lamusga*, 32 Cal.4th 1072, 88 P.3d 81, 12 Cal. Rptr. 3d 356 (2004).

II. PRESUMPTIONS AND BURDEN OF PROOF

[States can be in more than one category, and there is some overlap between categories. For citations to statutes and cases, see appendix to these materials.]

1. Presumption in favor of relocation: 5 states (AR, MN, OK, SD, WA)

2. Burden of proof on party opposing relocation: 5 states (AR, CA, KY, MT, WY)

3. Presumption against relocation: 1 state (AL)

4. Burden of proof on party seeking relocation: 7 states (AZ, ID, IL, LA, MO, NB, WV)

5. Split burden of proof (generally requiring party who seeks to move to show good faith reason for move; burden then shifts to party opposing move to show why the move is not in the child's best interests): 6 states (AL, CT, NV, NH, NJ, PA)

6. Presumption based on amount of time with child (generally presuming that move is permissible if there is a primary custodian, but the presumption does not apply if child spends approximately equal time with both parents): 3 states (TN, WV, WI)

7. No presumptions or directing equal burden of proof (explicit statement in statute or case law): 6 (or more) states (CO, FL, GA, NM, NY, SC)

III. NOTICE REQUIREMENTS

In the 33 states with statutes on the issue of relocation, 18 state statutes explicitly require the parent seeking to relocate give notice to the other parent.

A notice period of 30 to 60 days is common. Notice usually is by certified mail; return receipt requested.

There also may be a duty to update information if relocation plans change.

Common elements of notice include:

-- Address of intended relocation;

-- Date of planned move;

-- Reason for move;

-- Proposed revised parenting time schedule;

-- Rights of other parent to object to relocation.

Courts may waive or modify notification requirements in exceptional circumstance, such as cases involving a threat to the safety of the parent or child.

IV. FACTORS CONSIDERED IN DECIDING WHETHER OR NOT TO PERMIT RELOCATION (WITH SOME OVERLAP BETWEEN FACTORS)

-- Motives of the parent seeking to move;

-- Motives of the parent opposing the move;

-- The quality of relationship and frequency of contact between the child and each parent;

-- History or threats of domestic violence;

-- Likelihood of improving quality of life for child;

-- Likelihood of improving quality of life for custodial parent and the degree to which benefit to custodial parent will provide benefit to child (States vary regarding the degree to which a benefit to the custodial parent will be presumed to be a benefit to the child);

-- The feasibility of restructuring parenting time (visitation) in order to preserve the relationship between the child and the parent without primary custody if the move is allowed.

V. REMEDIES OF THE COURT

-- Allowing or not allowing parent to move with the child;

-- Adjusting parenting time / visitation, including modification of custody;

– Allocating transportation costs; adjusting child support (deviating from guidelines);

-- Ordering parties to keep each other advised regarding addresses and telephone of residence and other places child will be;

-- Ordering relocating party to provide security (e.g., post a bond) in order to guarantee return of child; ordering surrender of passport;

-- Allocation of attorneys fees;

-- Ordering mediation and evaluations.

VI. DEVELOPING STANDARDS FOR RELOCATION

1.. **A Proposed Model Relocation Act drafted by the American Academy of Matrimonial Lawyers (AAML) and approved by the Academy in 1997.** The model act has 22 sections and covers notice, procedures for objection, factors considered, and remedies. Regarding the burden of proof, the model act offered three alternatives: (A) "The relocating person has the burden of proof that the proposed relocation is made in good faith and in the best interest of the child"; (B) "The non-relocating person has the burden of proof that the objection to the proposed relocation is made in good faith and that relocation is not in the best interest of the child"; and (C) "The relocating person has the burden of proof that the proposed relocation is made in good faith. If that burden of proof is met, the burden shifts to the non-relocating person to show that the proposed relocation is not in the best interest of the child."

The AAML model act is available online at:
http://aaml.org/files/public/Model_Relocation_Act.htm

2. **The American Law Institute's Principles of the Law of Family Dissolution (2000),** which advocate allowing the primary custodian to move with child if primary custodian shows valid purpose for move and good faith in seeking move. For a website describing the project, see: http://akfamilylaw.org/principles_ali.htm

3. **National Conference of Commissioners on Uniform State Laws (NCCUSL).** In 2005, the National Conference of Commissioners on Uniform State Laws appointed a Study Committee on Relocation of Children to make a recommendation regarding whether a uniform act on relocation should be drafted. Judge Debra Lehrmann is chair of the Study Committee; Jeff Atkinson is reporter for the Study Committee – http://nccusl.org/Update/DesktopDefault.aspx?tabindex=1&tabid=40 (Website describing the Study Committee).

APPENDIX

RELOCATION LAWS IN THE 50 STATES

By Jeff Atkinson

Updated: June 28, 2006

Alabama: Ala. Code, §§ 30-3-160 - 30-3-169.10 (2006) (requiring 45 days notice; rebuttable presumption that change of residence is not in child's best interest; initial burden on party seeking change; if burden is met, burden shifts to non-relocating party; factors listed); *Ex parte McLendon*, 455 So. 2d 863 (Ala. 1984).

Alaska: No statute; *House v. House*, 779 P.2d 1204 (Alaska 1989) (consider best interest of child, including whether party who seeks to move has legitimate reason for the move).

Arizona: Ariz. Rev. Stat. § 25-408 (2006) (requiring 60 days notice; rebuttable presumption that agreement between parties is in child's best interests; factors listed); *Bloss v. Bloss*, 711 P.2d 663 (Az. Ct. App. 1985) (burden of proof on party who seeks to move).

Arkansas: No statute; *Blivin v. Weber*, 126 S.W.3d 351 (Ark. 2003) (presumption in favor of relocation; burden of proof on non-relocating party).

California: No statute; *In re Marriage of Lamusga*, 32 Cal. 4th 1072, 88 P.3d 81, 12 Cal. Rptr. 3d 356 (2004) (holding that "[T]he noncustodial parent bears the initial burden of showing that the proposed relocation of the children's residence would cause detriment to the children" and that "[T]he likely impact of the proposed move on the noncustodial parent's relationship with the children is a relevant factor in determining whether the move would cause detriment to the children . . . .")

Colorado: Colo. Rev. Stat. § 14-10-129 (2006) (requiring notice of relocation and listing factors to be considered); *In re Marriage of Ciesluk*, 113 P.3d 135 (Colo. 2005) (holding that under a new statute, the former presumption in favor of relocation was eliminated and that "both parents share equally the burden of demonstrating what arrangement will serve the child's best interests"). In *Spahmer v. Gullette*, 113 P.3d 158, 159) (Colo.2005), the court held that under Colo. Rev. Stat. § 14-10-124(1.5) (2004): "in an

initial determination to allocate parental responsibilities, a court has no statutory authority to order a parent to live in a specific location. Rather, the court must accept the location in which each party intends to live, and allocate parental responsibilities accordingly in the best interests of the child."

Connecticut: No statute; *Ireland v. Ireland*, 246 Conn. 413, 717 A.2d 676 (1998) (holding custodial parent bears initial burden to proof to show legitimate reason for move, and then burden shifts to noncustodial parent to show relocation would not be in best interest of child).

Delaware: No statute; *Karen J.M. v. James W.,* 792 A.2d 1036 (Del. Fam. Ct. 2002) (finding factors listed in the American Academy of Matrimonial Lawyers' Model Relocation Act to be persuasive, although act was not adopted by legislature).

Dist. of Columbia:

Florida: Fla. Stat. § 61.13(2)(d) (2006) (no presumption in favor of or against relocation; factors listed).

Georgia: Ga. Code § 19-9-1 (2006) (requiring 30 days notice); *Bodne v. Bodne*, 277 Ga. 445, 588 S.E.2d 728 (2003) (holding there is no presumption for or against relocation).

Hawaii: No statute; *Tetreault v. Tetreault*, 99 Haw. 352, 55 P.3d 845 (Inter. Ct. App. 2002), *cert denied* (Haw. 2002) (affirming custody award to the mother which allowed the mother to move to Naperville, Illinois with the children; trial court found the move would be in the children's best interests); *Maeda v. Maeda*, 8 Haw. App. 139, 794 P.2d 268 (1990) (affirming a family court order that gave custody to the mother, but would automatically change custody to the father if the mother effectuated her plan to move to the mainland).

Idaho: No statute; *Roberts v. Roberts*, 138 Idaho 401, 64 P.3d 327 (2003) ("the best interests of the children is always the paramount concern. . . . [T]he moving parent has the burden of proving relocation would be in the best interests of the child before moving in violation of a previous custody arrangement.")

Illinois: 750 Ill. Comp. Stat. 5/609 (2006) (burden of proof on party seeking to move); 750 Ill. Comp. Stats 5/611 (2006) (enforcement provisions for orders prohibiting removal); 750 Ill. Comp. Stats. 43/13.5 (allowing court to enjoin removal in parentage action); *In re Marriage of Eckert,* 119 Ill. 2d 316, 518 N.E.2d 1041 (1988) (burden on party who seeks to move;

factors listed); *In re Marriage of Smith*, 172 Ill. 2d 312, 665 N.E.2d 1209, 1213 (1996) ("A determination of the best interests of the child[ren] cannot be reduced to a simple bright-line test, but rather must be made on a case-by-case basis, depending, to a great extent, upon the circumstances of each case" (quoting *Eckert* and affirming decision denying mother permission to relocate); *In re Marriage of Collingbourne*, 204 Ill. 2d 498, 731 N.E.2d 532 (2003) (stating that decisions "must be made on a case-by case basis," including consideration of benefits to custodial parent and child).

Indiana: Ind. Stat. §§ 31-17-2-4 & 31-17-2-23 (2006) (requiring notice if intent to move outside of Indiana or at least 100 miles from residence specified in pleadings); *Lamb v. Wenning*, 600 N.E.2d 96 (Ind. 1992) (holding that relocation may or may not be change of circumstances sufficient to modify custody).

Iowa: Iowa Code § 598.21D (2006) (court may consider relocation to be a substantial change of circumstances; cash bond can be required if finding of interference).

Kansas: Kan. Stat. § 60-1620 (2006) (requiring 30 days notice; providing that relocation can be considered a material change of circumstance).

Kentucky: No statute; *Fenwick v. Fenwick*, 114 S.W.3d 767, 786 (Ky 2003) ("[A] non-primary residential custodian parent who objects to the relocation can only prevent the relocation by being named the sole or primary residential custodian, and to accomplish this re-designation would require a modification of the prior custody award. He or she must therefore show that '[t]he child's present environment endangers seriously his physical, mental, moral, or emotional health, *and* the harm likely to be caused by a change of environment is outweighed by its advantages [.]'" (sub-quotation from Ky. Rev. Stat. § 403.340(2) (as originally enacted, 1972 Ky. Acts ch. 182, §§ 24) (court's emphasis).

Louisiana: La. Rev. Stat. §§ 9:355.1- 9:355.17 (2006) (requiring 60 days notice if relocation will be outside the state or more than 150 miles from other parent; stating that providing notice shall not constitute a change of circumstance warranting change of custody, but failing to provide notice can constitute a change of circumstance warranting modification of custody; burden of proof on party who seeks to relocate; factors listed).

Maine: Maine Rev. Stat. tit. 19A, §§ 1653(14) & 1657 (2006) (requiring 30 days notice, or notice as soon as possible, and providing that relocation can constitute substantial change in circumstances).

Maryland: Md. Family Law § 9-106 (2006) (requiring 45 days notice, except if child or party would be exposed to abuse); *Domingues v. Johnson*, 23 Md. 486, 593 A.2d 1133 (1991) (relocation can be a sufficient change in circumstances to warrant modification of custody).

Massachusetts: Mass. Gen. Laws ch. 208, § 30 (2006) ("A minor child of divorced parents who is a native of or has resided five years within this commonwealth and over whose custody and maintenance a probate court has jurisdiction shall not, if of suitable age to signify his consent, be removed out of this commonwealth without such consent, or, if under that age, without the consent of both parents, unless the court upon cause shown otherwise orders. The court, upon application of any person in behalf of such child, may require security and issue writs and processes to effect the purposes of this and the two preceding sections."); *Rosenthal v. Maney*, 51 Mass. Ct. App. 257, 745 N.E.2d 350 (2001) (consider best interests of child and interests of custodial parent).

Michigan: Mich. Comp. Laws § 722.31 (2006) (requiring permission of non-relocating parent or court and consideration of multiple factors).

Minnesota: No statute; *Auge v. Auge*, 334 N.W.2d 393 (Minn. 1983) (presumption in favor of allowing custodial parent to move with child).

Mississippi: No statute; *Spain v. Holland*, 483 So.2d 318 (Miss. 1986) (affirming trial court's decision allowing child to be moved out of country).

Missouri: Mo. Rev. Stat. § 452.377.1 - 452.411 (2006) (requiring 60 days notice; burden of proof on party seeking relocation to show good faith and that move is in best interest of child; change of residence is change of circumstances which would allow court to modify visitation or custody); *Stowe v. Spence*, 41 S.W.3d 468 (Mo. 2001) (citing statutory requirements and remanding case).

Montana: Mont. Code Ann. § 40-4-217 (2005) (requiring 30 days notice); *In re Marriage of Cole,* 729 P.2d 1276 (Mont. 1986) (allowing relocation and stating "we require the parent requesting the travel restriction to provide sufficient proof that a restriction is, in fact, in the best interests of the child"); *In re Marriage of Robison*, 311 Mont. 246, 53 P.3d 1279 (2002) (affirming restriction mother's travel).

Nebraska: No statute, *Tremain v. Tremain*, 264 Neb. 328, 646 N.W.2d 661, 665 (2002) ("In order to prevail on a motion to remove a minor child to another jurisdiction, the custodial parent must first satisfy the court that he or she has a legitimate reason for leaving the state. . . . After the custodial parent satisfies the court that he or she has a legitimate reason for leaving the state, the custodial parent must demonstrate that it is in the child's best interests to continue living with him or her.")

Nevada: Nev. Rev. Stat. § 125C.200 (2006) (before relocation, consent of noncustodial parent or court approval required). *Flynn v. Flynn*, 92 P.3d 1224 (Nev. 2004): "Once the custodial parent makes the threshold good faith showing, the district court should then apply the factors outlined in *Schwartz* [812 P.2d 1268 (1991)] to determine 'whether the custodial parent has demonstrated that an actual advantage will be realized by both' the parent and the child by moving to the new location.' . . . Under current law, if [mother] shows a good faith reason for relocating and that reasonable alternative visitation is possible, '[t]he burden shifts to the noncustodial parent to show that the move is not in the best interests of the children. Such a showing must consist of concrete, material reasons why the move is inimical to the children's best interests.'" *Potter v. Potter*,119 P.3d 1246. 1249-50 (Nev. 2005) held that Nev. Rev. Stat. § 125C.200 does not apply to cases where parents have joint physical custody and further held that: "When a parent with joint physical custody of a child wishes to relocate outside of Nevada with the child, the parent must move for primary physical custody for the purposes of relocating. . . . The district court must consider the motion for primary custody under the best interest of the child standard established for joint custody situations in NRS 125.510 . . . . The moving party has the burden of establishing that it is in the child's best interest to reside outside of Nevada with the moving parent as the primary physical custodian. The issue is whether it is in the

best interest of the child to live with parent A in a different state or parent B in Nevada."

New Hampshire: N.H. Rev. Stat. § 461-A:12 (2006) (requiring 60 days notice; initial burden on parent seeking permission to move to show legitimate purpose for move; burden then shifts to other parent to show by preponderance of the evidence that proposed relocation is not in best interest of child").

New Jersey: N.J. Stat. § 9:2-2 (2006) ("When the Superior Court has jurisdiction over the custody and maintenance of the minor children of parents divorced, separated or living separate, and such children are natives of this State, or have resided five years within its limits, they shall not be removed out of its jurisdiction against their own consent, if of suitable age to signify the same, nor while under that age without the consent of both parents, unless the court, upon cause shown, shall otherwise order. The court, upon application of any person in behalf of such minors, may require such security and issue such writs and processes as shall be deemed proper to effect the purposes of this section."); *Baures v. Lewis*, 167 N.J. 91, 770 A.2d 214 (2001) (party seeking to move has burden of going forward to show prima facie case of good faith reason for move and that move will not be inimical to child's interests; burden then shifts to party opposing move to produce evidence that move is not in good faith or that move is inimical to child's interests).

New Mexico: No statute; *Jaramillo v.* Jaramillo, 113 N.M. 57, 823 P.2d 299, 309 (1991) ("neither parent will have the burden to show that relocation of the child with the removing parent will be in or contrary to the child's best interests. Each party will have the burden to persuade the court that the new custody arrangement or parenting plan proposed by him or her should be adopted by the court, but that party's failure to carry this burden will only mean that the court remains free to adopt the arrangement or plan that it determines best promotes the child's interests.")

New York: No statute; *In re Tropea*, 87 N.Y.2d 727, 740-41, 665 N.E.2d 145, 151-52 (1996) ("it serves neither the interests of the children nor the ends of justice to view relocation cases through the prisms of presumptions and threshold tests that artificially skew the analysis in favor of one outcome or another. . . . In the end, it is for the court to determine, based on all of the proof, whether it has been established by a preponderance of the evidence that a proposed relocation would serve the child's best interests.").

rules for payment of travel expenses).

Vermont: No statute; *Hawkes v. Spence*, 878 A.2d 273, 277 (Vt. 2005) (adopting ALI standards and stating: "although a custodial parent's relocation, by itself, does not automatically satisfy the threshold showing of changed circumstances, neither does relocation alone automatically preclude the family court from finding changed circumstances just because the relocating party is the custodial parent. . . . Rather, whether a relocation or other change is substantial enough to meet the threshold must be determined in the context of all the surrounding circumstances, keeping in mind that the effect on the child is what makes a change substantial.")

Virginia: Va. Code § 20-124.5 (2006) (requiring 30 days notice unless good cause shown); *Parish v. Spaulding*, 26 Va. App. 566, 496 S.E.2d 91, 94 (1998) ("the custodial parent's voluntary relocation of the children does not bar that parent from thereafter seeking modification of the trial court's order of custody; nor does the custodial parent's action bar a motion seeking approval of the relocation retroactively").

Washington: Wash. Code §§ 26.09.405 - 26.09.560 (2006) (requiring 60 days notice unless party moving did not reasonably know of relocation; exceptions to notice requirement in cases of domestic violence; allowing temporary orders restraining or authorizing relocation; rebuttable presumption that the intended relocation will be permitted; factors listed); *In re Marriage of Horner*, 151 Wash.2d 884, 93 P.3d 124 (Wash. 2004) ("We . . . hold that trial courts must determine whether the 'detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person.' RCW 26.09.520. We further require that trial courts must consider each of the child relocation factors. These requirements will ensure that trial courts consider the interests of the child and the relocating person within the context of the competing interests and circumstances required by the [child relocation act].").

West Virginia: W. Va. Code § 48-9-403 (2006) (requiring 60 days notice and providing: "A parent who has been exercising a significant majority of the custodial responsibility for the child should be allowed to relocate with the child so long as that parent shows that the relocation is in good faith for a legitimate purpose and to a location that is reasonable in light of the purpose. The percentage of custodial responsibility that constitutes a significant majority of custodial responsibility is seventy percent or more. A relocation is for a legitimate purpose if it is to be close to significant family or other support networks, for significant health reasons, to protect

the safety of the child or another member of the child's household from significant risk of harm, to pursue a significant employment or educational opportunity or to be with one's spouse who is established, or who is pursuing a significant employment or educational opportunity, in another location. The relocating parent has the burden of proving of the legitimacy of any other purpose. A move with a legitimate purpose is reasonable unless its purpose is shown to be substantially achievable without moving or by moving to a location that is substantially less disruptive of the other parent's relationship to the child.")

Wisconsin: Wis. Stat. § 767.327 (2006) (requiring 60 days notice; opportunity to object within 15 days; factors listed; and providing: "There is a rebuttable presumption that continuing the current allocation of decision making under a legal custody order or continuing the child's physical placement with the parent with whom the child resides for the greater period of time is in the best interest of the child. This presumption may be overcome by a showing that the move or removal is unreasonable and not in the best interest of the child.")

Wyoming: No statute; *Watt v. Watt*, 971 P.2d 608, 616-17 (Wyo. 1999) ("[T]he non-custodial parent in this situation, was required to carry the burden of demonstrating that a material and substantial change of circumstances had occurred, sufficient to justify the trial court in ordering a change in custody. . . . The custodial parent's right to move with the children is constitutionally protected, and a court may not order a change in custody based upon that circumstance alone. Some other change of circumstances, together with clear evidence of the detrimental effect of the other change upon the children, is required.")

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* These materials are based on the author's own research. The author consulted the online resources of Laura Morgan of Family Law Consulting, Charlottesville, VA, to help locate materials and double-check the results of his research. Ms. Morgan's materials are at: http://www.famlawconsult.com/reader.html

About the Author
Jeff Atkinson teaches at DePaul University College of Law, Chicago, Illinois. Professor Atkinson has taught a variety of subjects, including family law, health care law, and ethics. He also serves as a professor-reporter for the Illinois Judicial Conference, responsible for training Illinois judges in family law and legal ethics. He is the author of a two-volume treatise entitled *Modern Child Custody Practice – Second Edition*, published by LexisNexis, San Francisco, CA (updated annually). He also is the author of *The American Bar Association Guide to Marriage,*

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Submitted by
Michael Gough

Example Salaries and Expenses
Before Relocation Related Expenses

Gross Salary	**$100,000.00**	**$50,000.00**	**$30,000.00**
Tax %	30.00%	25.00%	20.00%
Net Salary	$70,000.00	$37,500.00	$24,000.00
Child Support (17%*12)	$17,000.00	$8,500.00	$5,100.00
Net Income after C.S.	$53,000.00	$29,000.00	$18,900.00
Health Insurance (1 parent, 1 child)	$2,400.00	$2,400.00	$2,400.00
1/2 Child care ($200*12)	$2,400.00	$2,400.00	$2,400.00
Net after absolutes	**$48,200.00**	**$24,200.00**	**$14,100.00**
Housing ($1130, $1000, $800)*12	$13,560.00	$12,000.00	$9,600.00
Utilities - (Gas, Elect, Cable, Phone, Cell) ($280, $200, $150)*12	$3,360.00	$2,400.00	$1,800.00
Food ($300, 250, 200)*12	$3,600.00	$3,000.00	$2,400.00
Auto Payment & Insurance ($400, $300, $250)*12	$4,800.00	$3,600.00	$3,000.00
Gasoline ($300, $250, $200)*12	$3,600.00	$3,000.00	$2,400.00
Clothing ($50*12)	$600.00	$600.00	$600.00
Medical Co-Payment, Dental	$600.00	$600.00	$600.00
Incidentals ($100*12)	$1,200.00	$1,200.00	$1,200.00
Entertainment ($500, $300, $150)*12	$6,000.00	$3,600.00	$1,800.00
Total Expenses	**$37,320.00**	**$30,000.00**	**$23,400.00**
Net Disposable Income	**$10,880.00**	**-$5,800.00**	**-$9,300.00**

Attorney Fees ? $12,000.00

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Typical Relocation Visitation Costs

Holiday / Break Travel

Milwaukee to Salt Lake City Airfare only	Child (1)	Child (2)	Parent escort (2 trips same day return) (3)	Total for Parent + Child	Child only
Fall Break	n/a	$557.00	$852.00	$1,409.00	$557.00
Winter Break	n/a	$719.00	$1,684.00	$2,403.00	$719.00
Spring Break	n/a	$669.00	$1,568.00	$2,237.00	$669.00
Summer Break	n/a	$569.00	$1,318.00	$1,887.00	$569.00
			Total estimated yearly travel costs	**$7,936.00**	**$2,514.00**
Thanksgiving	n/a	$619.00	$1,578.00	$2,197.00	$619.00

Monthly Trips by parent to the childs city

Salt Lake City to Milwaukee	Parent (Fri - Sun)	Hotel (2 nights)	Rental Car	Meals	Entertainment	Total per trip	8 Trips per year
12 - 4 = 8 trips per year	$467.00	$220.00	$80.00	$150.00	$100.00	**$1,017.00**	**$8,136.00**

(1) Direct Flight (Delta) - Added $100 unaccompanied minor fee
(2) One Stop (United) - Added $100 unaccompanied minor fee
(3) For Children 1-4 years old parental escort required - 'One Stop' only option. Requires a parent to purchase 2 round trip tickets that have same day return (costly)
(4) For children under 5-7 years old direct flights required
(5) Trips must begin after school the day before the break and finish the day before school resumes

Wauwatosa School District School schedule 2007-2008

Fall Break = Tue Oct 23rd - Sun 28th
Thanksgiving = Tue Nov 20th - Sun 25th
Winter Break = Fri Dec 21st - Weds Jan 2nd
Spring Break = Thur Mar 20th - Sun 30th
Summer Break = 6 weeks